

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KEITH HUFNAGEL, and
PETITE SOEUR, INC. d.b.a. HUF,

Plaintiffs,

vs.

ROY LAPISH and DOES 1-10,

Defendant.

Case No. C 08-00489 JSW

CONSENT DECREE

GRANTED

The parties have agreed to a settlement of the claims between them, and to entry of this consent decree, it is hereby ORDERED, ADJUDGED AND DECREED:

1. This Court has jurisdiction over the parties to this action and over the subject matter pursuant to 15 U.S.C. § 1051, *et. seq.*, and 28 U.S.C. §§ 1338 and 1391.

2. Plaintiffs, KEITH HUFNAGEL and PETITE SOUEUR, INC. d.b.a. HUF, manufacture and market clothing and skateboard equipment under the federally registered

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2 trademark HUF, HUF (Stylized),  and the unregistered trademark SKYLINE LOGO:



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7 3. Plaintiff KEITH HUFNAGEL has used the mark HUF since at least as early as
8 1992 on skateboard equipment and clothing.

9 4. Plaintiff KEITH HUFNAGEL is the owner of the following registrations in the
10 U.S. Patent and Trademark Office:

11 A. U.S. Trademark Registration No. 2,994,661, HUF (Stylized), for
12 "t-shirts, sneakers, sweat shirts and hats", in International Class
25;

13 B. U.S. Registration No. 3,312,384, HUF, for "clothing, namely, t-
14 shirts, sneakers, sweat shirts, socks, and hats", in International
Class 25;

15 C. U.S. Registration No. 3,312,385, HUF, for "retail and on-line retail
16 store services, featuring sneakers, clothing and skateboard
products", in International Class 35; and

17 D. U.S. Registration No. 3,312,419, "HUF", for "skateboard trucks,
18 decks and wheels", in International Class 28.

19 5. Plaintiffs have the exclusive right to use the HUF, HUF (Stylized) and
20 SKYLINE LOGO marks to identify the source or origin of its products manufactured, marketed
21 and sold under its HUF, HUF (Stylized) and SKYLINE LOGO marks for clothing, skateboard
22 equipment, general merchandise and retail store services.
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1 6. Plaintiffs have the exclusive right to the use name or trademark HUF, HUF
2 (Stylized) and SKLYNE LOGO in commerce on or in connection with clothing, skateboard
3 equipment, general merchandise and retail store services.

4 7. Defendant, ROY LAPISH, provides graphic art design services under the
5 federally registered mark HUF.

6 8. Defendant has used the mark HUF since at least as early as 1995 providing
7 graphic art design services.

8 9. Defendant is the owner of the registration in the U.S. Patent and Trademark
9 Office HUF, U.S. Registration No. 2,832,970, for "provide[sic] graphic art design services for
10 others, namely, preparing designs for business logos, websites, business cards, compact disk
11 covers, fliers [sic], magazine layout; and design services for others in the field of clothing", in
12 International Class 42.

13 10. Plaintiff agrees that Defendant can continue to use the mark HUF in connection
14 with graphic art design services and maintain his federal service mark registration for the mark
15 HUF, U.S. Registration No. 2,832,970.

16 11. Plaintiff also agrees that Defendant can retain the domain names
17 www.huf2much.com and www.hufragz.com and maintain the websites hosted at these website
18 addresses in connection with offering graphic art design services.

19 12. Defendant agrees to cease all use of the term HUF or variants of HUF, including
20 but not limited to HUFRAGZ and HUF2MUCH, now and in the future in connection with the
21 sale of clothing and any products or services unrelated to graphic art design services.

22 13. Defendant agrees to remove any online clothing store using the term HUF on
23 eBay and/or similar sites, including but not limited to "HUF T-Shirt Company".
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1 14. Defendant agrees to expressly abandon his applications to register the marks
2 HUFRAZGZ, Application Serial No. 77/151,851, and HUF2MUCH, Application Serial No.
3 77/152,000, for clothing in International Class 25.

4 15. Defendant agrees to dismiss with prejudice the Trademark Trial and Appeal
5 Board Cancellation No. 92048618, instituted by Defendant against Plaintiff KEITH
6 HUFNAGEL's federally registered HUF mark, Reg. No. 2,994,661.

7 16. Defendant agrees to not contest ownership in the future of the HUF, HUF
8 (Stylized) and SKYLINE LOGO marks owned by Plaintiffs.

9 17. Both parties agree that this matter was a business dispute that has been resolved
10 by the parties; both parties agree to refrain from making any statement or representations that in
11 any way negatively publicizes the other party's enforcement of its trademark rights.

12 18. The parties having settled all damage issues between themselves, no award of
13 damages is made, and each party shall bear its own attorneys' fees and costs.

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1 19. The parties will file contemporaneously a Stipulation to Entry of Consent Decree
2 and Consent Decree in this same form in the pending civil action filed by Defendant in the
3 United States District Court, Eastern District of Louisiana (New Orleans), Case No. 2:07-cv-
4 03071-SRD-JCW.

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6 IT IS SO ORDERED:

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8 Dated: April 14, 2008


HON. JEFFREY S. WHITE
UNITED STATES DISTRICT COURT JUDGE

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11 WE HEREBY CONSENT TO ENTRY OF THIS CONSENT DECREE:

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13 Dated: 4.8.2008

Dated: 4-7-008

14 LAW OFFICE OF ANNE HIARING

15
16 By: 
Anne Haring, Esq.
Attorney for Plaintiffs

17 By: 
Roy LaPish, Individually